

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

Date: Tuesday, March 8, 2011
Place: Capitol

Time: 3:00 PM
Room: 303

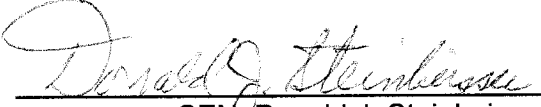
BILLS and RESOLUTIONS HEARD:

HB 309 - Clarify prohibition on recreational access to ditches

EXECUTIVE ACTION TAKEN:

SB 381 Do Pass AS Amended 8-3

Comments:


SEN Donald J. Steinbeisser, Chair

MONTANA STATE SENATE
ROLL CALL
AGRICULTURE, LIVESTOCK,
& IRRIGATION COMMITTEE

DATE: March 8, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Steinbeisser	✓	
Vice Chair Brown	✓	
Senator Branae	✓	
Senator Hawks	✓	
Senator Hutton	✓	
Senator Larsen	✓	
Senator Moore	✓	
Senator Murphy	✓	
Senator Ripley		✓
Senator Stewart-Peregoy	✓	
Senator Windy Boy	✓	

11 Committee Members



SENATE STANDING COMMITTEE REPORT

March 8, 2011

Page 1 of 3

Mr. President:

We, your committee on **Agriculture, Livestock and Irrigation** recommend that **Senate Bill 381** (first reading copy -- white) **do pass as amended.**

Signed: *Don Steinbeisser*
Senator Don Steinbeisser, Chair

And, that such amendments read:

1. Title, page 1, line 8.

Strike: "CREATING A ROYALTY ADVISORY BOARD;"

2. Page 1.

Following: line 14

Insert: "(1) "Commission" means the public service commission as provided in Title 69, chapter 1, part 1."

Renumber: subsequent subsections

3. Page 1, line 19.

Following: "recovered by a"

Insert: "Montana"

4. Page 1, line 20.

Following: "facility"

Insert: "that is not a federal power marketing agency or a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18,"

5. Page 1, line 25 through line 26.

Strike: "For" on line 25 through "energy, the" on line 26

Insert: "The"

6. Page 1, line 27.

Strike: "property subject to an easement or right-of-way for the operation of"

Committee Vote:

Yes 8, No 3

Fiscal Note Required

SB0381001SC.sdr

OK

Insert: "land upon which"

Following: "line"

Insert: "is constructed"

7. Page 1, line 28.

Following: "line."

Insert: "The royalty must be based on the number of insertion points on each landowner's property."

8. Page 1, line 29.

Strike: "pay an amount"

Insert: "compute an insertion point royalty value that is"

Strike: "operating"

Insert: "annual"

Strike: "generated"

Insert: "received"

Following: "by"

Insert: "the owner or operator of"

9. Page 1, line 30 through page 2, line 2.

Strike: "during each" on page 1, line 30

Insert: "in the prior"

Strike: "and shall" on line 30 through "3]." on page 2, line 2.

Insert: "divided by the total number of insertion points on the line regardless of whether the insertion points are located within or outside the state."

10. Page 2, line 3.

Following: "(2)"

Insert: "(a)"

11. Page 2, line 4.

Following: "upon"

Insert: "the insertion point royalty value multiplied by"

12. Page 2, line 4 through line 7.

Strike: "The" on line 4 through "year." on line 7

13. Page 2.

Following: line 9

Insert: "(b) The owner or operator is entitled to offset against any royalties otherwise due a landowner under this section any annual payments made to the landowner, or the landowner's predecessor in interest, in the prior calendar year, under an easement agreement, right-of-way agreement, or similar agreement, relating to the construction of the line on the landowners property.

(3) (a) The owner or operator shall pay an amount equal to 0.05% of the total gross annual revenue received on each merchant

transmission line to the commission for deposit in the state general fund for the administration of [sections 1 through 3].

(b) The owner or operator of each merchant transmission line shall file with the commission a report listing the names of all property owners with insertion points on their property, the location of the property, and the number of insertion points on the property in the manner prescribed by the commission."

14. Page 2, line 10 through line 15.

Strike: subsection (3) in its entirety

15. Page 2, line 17 through page 3, line 6.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 3. Complaint against merchant line.** (1) A landowner who may be entitled to a royalty payment under [sections 1 through 3] who alleges the the nonpayment or underpayment of royalties due under [sections 1 through 3] may institute a contested case proceeding before the commission for purposes of challenging the sufficiency of the royalty payment. The complaint before the commission, and any subsequent court enforcement of the commission's order, is the landowner's exclusive remedy for the underpayment or nonpayment of royalties.

(2) Upon receipt of a complaint from a landowner under this section, the commission shall determine if the royalty payment being challenged was correctly computed and paid in accordance with [sections 1 through 3]. The commission's determination is binding upon all parties to the proceeding unless successfully challenged in a petition for judicial review.

(3) A landowner may not file a complaint with the commission under [sections 1 through 3] more than 3 calendar years after the payment being challenged was due."

- END -

Roll Call Vote

AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

DATE 3-8-11 BILL NO 381 MOTION NO. _____

MOTION: AS Amended

[illegible]

/

MOTION: Amendment

[illegible]

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Rick Ripley, request to be excused from the
**Agriculture, Livestock, and Irrigation
COMMITTEE**

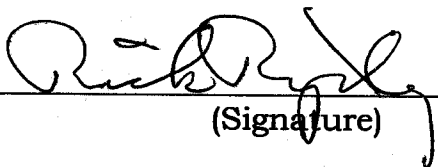
due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Taylor Brown

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
amendment	x	
SB 038102 a/h		
SB 381 as	X	
amended		

BILL/AMENDMENT	AYE	NO

Sen. 
(Signature)

Date 3/8/11

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Terry Murphy, request to be excused from the
**Agriculture, Livestock, and Irrigation
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Taylor Brown

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 391	X				
(bill was reconsidered					
today 3/8, and					
amended - after being					
passed earlier)					

Sen. Terry Murphy
(Signature)

Date 3/8/11

MONTANA STATE SENATE

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SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

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Tuesday, March 8, 2011

HB 309 - Clarify prohibition on recreational access to ditches

Sponsor: Representative Jeffery Welborn

PLEASE PRINT

Name	Representing	Support	Oppose
Craig Roberts	Self		X
Ben Whiteford	self		X
Rod Wood	Ravalli County Fish & Wildlife		X
Dach C Mave	Bitterroot Trout Unlimited		X
Glenn Laitinen	SKYLINE SPORTSMEN - BUTTE		X
David Palmer	Big Horn River Alliance		X
Randy Newberg	Headwaters Sportsman Assoc		X
Jim Wuns	Headwaters Sportsman Assoc		X
Julie Eaton	self		X
Fred Nelson	self		X
Bob Olson Jr. Fish	self - GG TU		X
Marilyn Olson	GG TU - self		X
Robert E. Olson	GG TU - self		X
Fred Penne	Self		X
Bruce J. Reynolds	Self		X
Ray Duns	Self		X
LEE MASTERS	SELF		X
Earl L. Litch	SELF		X
RYAN EISELDT	SELF		X
Shelby F. De Mars	United Property Owners of MT	X	
Sam Blaine	Self		X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

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Name	Representing	Support	Oppose
Bob Gilbert	Walleyes Unlimited		X
Stephen Hunts	Montana River Action		X
Ted Dye	Ravalli Co F & G		X
Amy Cannata	Self		X
DR. RICHARD LESSEMER	MADISON RIVER FOUNDATION		X
DAN SHORT	MONTANA TU		X
BRUCE WRIGHT	Bozeman MT	X	
Tom Anacker	Bozeman, MT		X
TRAVIS MORRIS	MADISON - GALLATIN TROUT UNLIMITED		X
RICK ARNOLD	TROUT UNLIMITED		X
DAVID VAN TIGHEM	R.C.S.A		X
ROBERT FURN	T.U.		X
CHARLIE JOHNSON	SELF		X
Ashley Mirkich	Butte High School, Butte MT		X
Lacey Taricauson	Butte High School Butte, MT		X
ROBIN CURRINGHAM	FISHING OUTFITTERS ASSN MT		X
Ashlee Houchin	Butte High School Butte MT		X
DOVE WACKE	MAGIC CITY FLY FISHERS		X
GLENN HOCKETT	GALLATIN WILDLIFE ASSOC.		X
John A. Farley	Ravalli Co. Fish & Wildlife Dist		X
Charles Olson	CITIZENS CONCERNED		X
Daniel Reilly	Butte MT		X

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Name	Representing	Support	Oppose
Jim Bowman	landowner	X	X
Bob LIENEMANN	Myself		X
Lillian Ostendorf	Self	X	
Tom JENNI	Tom Jenni's Reel MT		X
HILL GIDNO	Self		X
TOM POZEGG	SELF & MONTANA		X
Hallie Kuehner	Self & Montana		X
JEFF BECKETT	HB-309		X
JERRY WELLS	Self		X
Gary A. Peterson	Self		X
BILL MASELLA	GEORGE GRANT TIA		X
Bob Eccleston	ANACONDA SPORTSMAN		X
GREG MUNTHER m ^{chap}	BACKCOUNTRY Hunter & Anglers		X
Tim Aldrich	MT Wildlife Fed		X
Ken Rom	SKYLINE SPORTSMEN		X
LARRY THOMAS	ANACONDA SPORTSMEN		X
Bert Lindier	Self		X
Charles Borg	Self		X
Brian Nelson	Fin teaches Outfitter		X
John Harris	Self		X
Br. & Rockyly	Self		X

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Tuesday, March 8, 2011

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PLEASE PRINT

Name	Representing	Support	Oppose
Justin Haertman	Self		X
Douglas O'Looney	Self		X
John Kowalski	Self		X
Brianna Randall	Clark Fork Coalition		X
Kyle Viste	Self		X
Kurt Michels	Self		X
Don Allen	WETA	X	
Andrew Martineau	Self		X
MIKE SEDGWICK	Upper Missouri River chapter Wetlands Unlimited of Montana		X
SEAN O'BRIEN	Osmore Outfitters Fly Shop		X
Julia Page	Self		X
Casey Perkins	MT Audubon		X
JILL SMITH	Self		X
BOB BUGNI	SELF		X
LAND TAWNLEY	Hellgate Hunters & Anglers		X
Michael Gibson	Montana Trout Unlimited		X
Ben Lamb	Self		X
Jeanne Souvigney	Self		X
Juanita Vero	Big Blackfoot Chapter Trout Unlimited		X
Rick Matney	Montana Trout Filters		X
Ian Majszak	Detonation Studios		X
Dori Vander Molen	Self		X

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Name	Representing	Support	Oppose
Anna O'Donnell	Herself		X
John Sullivan	Bighorn River Alliance		X
Preston Andy Szofran	Self		X
Bryon Schmans	Montana		X
Don Goodman	Self		X
DAVID T. GOODHART, JR	SELF		X
CASEY HACKATHORN	SELF		X
DALE BURK	Ravalli Cty Wildlife Assoc.		X
Herbert F. Wankke	Self		X
KATHRYN R WANKKE	Self KALL Fisheries		X
Jeff Buszmann	Self		X
Kit Fischer	Hulgate H & A		X
Nick Pentas	Self		XX
W.M. Casdara	self		X
Raymond Gross	Dillon		X
RICHARD SCHINELLA	Dillon		X
Jayson Gill	Bozeman		X
Jeremy Kratzer	Livingston		X
Dane Huzarski	Bozeman		X
Carolyn Laws-Kear	Amelia		X
KERRY FEE	P C E C		X
Bob Gotschall	Self		X

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Name	Representing	Support	Oppose
Harry Murphy	Montana Trout Unlimited		X
Andy Kankelborg	11		X
Andy BARON	Bt Falls chapter ^{unlimited} Wellways		X
PAY BABIWEAU	MT. TROUT UNLIMITED		X
10m Welsh	Myself + TU (member)		X
Tom Bugai	Chyline Sports Club		X
Michael Howell	Bitterroot River Protection Assoc		X
LORI LATTI	MONTANA		X
Jim Kluva	American Fly Fishing Trade Assoc.		X
Tony Hoyt	Arlee mt		X
William Geer	Hellgate Hunters & Anglers		X
Joe Perry	Conrad Sportsmen Alliance		X
Bill McKinley	Coarad " " "		X
Mary Jones	Lewistown		X
Karl Gies	"		X
Jerry Davis	Helena-TU-Public ^{Access} Lands		X
Rickie Elans	SELF -		X
Nancy Woolard	Self		X
Y. Badman	Farm Bureau	X	
Peter B. Taylor	Taylor Ranch - FB	X	
Tom Ostendorf	Ostendorf Ranch	X	
Ronde Johnson	Cremer Ranch - FB	X	

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Name	Representing	Support	Oppose
Stan Frazier	Helena Hunters		<input checked="" type="checkbox"/>
W Westman	Individual		<input checked="" type="checkbox"/>
Willis Lurdy	Helena Hunters		<input checked="" type="checkbox"/>
Dick Solum	Montana Bowhunters Ass.		<input checked="" type="checkbox"/>
TIM SKIFFEL	SKY LINE		<input checked="" type="checkbox"/>
RICHARD O. HOTNE	Simms Fishing Products		<input checked="" type="checkbox"/>
TRAPPER BABOVINAC	SELF		<input checked="" type="checkbox"/>
Leroy Mearns	Skyline Sportsman		<input checked="" type="checkbox"/>
Chad Fischer	Individual		<input checked="" type="checkbox"/>
Fred Upchurch	Guiders Industry		<input checked="" type="checkbox"/>
Mike Chapman	Snowy Mountain TU		<input checked="" type="checkbox"/>
David Harbaker	Individual		<input checked="" type="checkbox"/>
Don Bishop	Bud Lilly & Fed. of Fly Fishers		<input checked="" type="checkbox"/>
G VINCE FISHER	SKYLINE SPORTSMAN		<input checked="" type="checkbox"/>
Marilyn KLANECKY	Individual		<input checked="" type="checkbox"/>
Gary Chatriand	Individual/GGTU		<input checked="" type="checkbox"/>
JOHN WASSON	myself		<input checked="" type="checkbox"/>
Ron Jones	Reynolds Co. Fish & Wildlife Ass.		<input checked="" type="checkbox"/>
Gene Sarge	Butte Fisher		<input checked="" type="checkbox"/>
John HUDGENS	Yellow Dog Fly Fishing		<input checked="" type="checkbox"/>
Don Bailey	Self		<input checked="" type="checkbox"/>
Pat Scalise	Self		<input checked="" type="checkbox"/>

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MONTANA STATE SENATE

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Name	Representing	Support	Oppose
Adam Potts	Three Forks Citizens		X
Kim Potts	THREE FORKS CITIZEN		X
MARK POTTS	" " "		X
Tom Lewis	Butte, MT		X
Dana Morrell	Myself		X
Brant Oswald	Myself		X
Scott Schumacher	Livingston MT		X
Wayne Brewster	Helena MT, Self		X
Greg "Skip" Kowalski	Stevensville, MT, citizen		X
Jim McDonald	Missoula, MT, Self		X
LYLE J. WINSON	MISSOULA MONTANA		XXXXXX !
Randy Porter	Bozeman MT		X
Jenniss Droge	Manhattan, MT		X
Adam Spencer	Missoula, MT Self		X
Terry Chute	Helena, MT - Self		X
Jane P. Kollmeyer	Helena, MT - Self		X
John Lowell	Manhattan, MT - self		X
Aubrey Howell	STEVENSVILLE MT		X
Victoria Howell	Stevensville MT		X
Sharon Sweeney Tee	JBTU - Livingston, MT		xxx!!!
Georg Ristala	Butte - Butte High		XXX
Sidney J. McLaughlin	Butte - Butte High		XXXXXXXX

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MONTANA STATE SENATE

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Name	Representing	Support	Oppose
MICHAEL GVERIN	FCO		X
JOHN RICH	Tom Lane Society		X
Jason Fox	Sweetgrass Rods		X
Cale VanVelkinburgh	Guide		X
Steve Cleverdon	Steve Cleverdon		X
JOHN RICH	Thomas Lane Society		X
SCOTT REYNOLDS	SENE		X
RED MENCHUM	ANA sprouts. self		X
John Herzer	Blackfoot River Outfitters		X
James Johnson	Self		X
Chad Olsen	Greater Yellowstone Flyfishers		X
ALLEN FINN	SELF		X
MISA ALLGOOD	BOYF		X
Kirk Fleming	Self & Family		X
GLENN BRACKETT	Self		X
Grant L. Snyder	Self		X
David M. Kervan	Self		X
Michael Jay	Self		X
Jeffery Welborn	Self		X
Mike Brackett	Self		X
Larry Sickerson	Self		X
MIKE HENRICH	"		X

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MONTANA STATE SENATE

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Name	Representing	Support	Oppose
Ed Grady	Self	X	
Jake Chumley	MT FARM Bureau	X	
Tim Rasmussen	LCCTP / TAC	X	
Katherine Bredecker	Self		X
Sam B. Woods	Self		X
Hal Harper	Self		X
Warren Brindle	Self		X
JOSHUA BILGES	SELF		X
RUAN BILGES	SELF		X
GARY BEHRENT	SELF		X
BERNARD W. LEA	PUBLIC LANDS ACCESS ASSOC		X
Jana M. Suchy	self		X
Bill Chumley	Self		X
Jim Jalls	Self		X
Chris Christensen	Self		X
Aeriz Reilly	trout farms		X
Chris Huxter	self		X
Wayne Hadley	Deer Lodge River Ranch		X

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**MONTANA STATE SENATE
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SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

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Name	Representing	Support	Oppose
GEORGE KELLY	Public Access		✓
Wade Fellin	Public Access		✓
Harold Johns	Public Access		✓
Chris Stroup	Self		✓
MARK RAISLER	L&C County		X
Russell BOZYSKI	L&C County		X
Ben McNinch	Headhunters		X
Gaslett Munson	Montana Fishing Outfitters		✓
JOHN ARNOLD	HEADHUNTERS LLC		X
Jim Tucker Jr	Self		X
Rick Knight	Self		X
JOSEPH LUCETTE	TROUTWEST		X
Don Buller	Self		X
Rich Day	Self		X

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Name	Representing	Support	Oppose
RONALD D. REIS	WALLER'S UNLIMITED		X
DOUGLAS W. DUFF	SELF		X
Frank Bushell	Self		X
Buck Fanning	RCB		X
Paul Kallalier	Anaconda Sportsmen		X
JOHN T. BORDGEE	MUSSELL COALITION SPORTSMEN		X
John B. Hooley	PARK COUNTY ROAD & GUN		X
Elizabeth Underwood	Clark Fork Coalition		X
Ron Marcoux	Self		X
Chris Beck	Self / Battle		X
Ed Cleary	SEAT BATTLE		X
Bob Bergren	HAURE		X
Joe Gutkoski	Montana River Action		X
George Gohio	MWF		X
John Youngberg	MSBF	X	
Tony Schoonen	mt Coalition Stream Access		X
Susan Reneau	Self		X
John MacDonald	City of Missoula		X

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Name	Representing	Support	Oppose
John WAY	self		—
Brooks Jessen	self		X
Susan Reneau	self		—
Boyd Smith	"		X
Van Colman	"		X
Mark Spenners	West Slope Chapter TU		X
Dennis Cates	Pat Barnes Mulhouse R TU		X
Steve Heck	Self		X
Hale Harris	self		X
Dan Mayer	"		X
DNE DELIS	LEWIS + CLARK TU		X
Ann Harrison	Self		X

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Tuesday, March 8, 2011

Sponsor: Representative Jeffery Welborn

[illegible]

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PLEASE PRINT

Name	Representing	Support	Oppose
Curt MacChesney	myself / outfitters / guides		X
Eric Adams	Montana Fur Farming Co. LLC.		X
Russell Ellwell	Outfitters / Guides / People		X
Patricia Helvey	Self & family (6)		X
Mike Whittington	Myself & Family		X
Ben DeMers	fisherman / women / guides, self		X
Will Plunkhoff	Myself / guides / outfitters		X
BOB PRUTZENREUTER	MYSELF		X
Joel Harris	Myself		X
Steve GIBSON	Myself & Montanans		X
Jeffrey Ferguson	Myself		X
Bob Martenke	Self		X
Pat Joyce	Myself, Guides, Outfitters		X
Pat Straub	fisherman / business owner		X
John Bateman	myself & fisherman		X
Don Troupe	myself / Family / Friends		X
Mike Ruppel	SELF		X
Peter Skidmore	Fishing guide		X
David Ruppel	Self		X
John Ruppel	MONTANANS		X
			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Name	Representing	Support	Oppose
Jerry Kusch	Sweetgrass Park, Louise Clark TV		X
Steve Kusch	Self		XXX
Jim Kozewitz	Helena Hunters Angles		XX
Rod Bullis	BRVITA		X
John Gibson	PLWA		X
Chris Bradley	The Stonefly		X
Nicole West	Beaverhead		X
Josh Duchateau	Firehole Ranch		X
Paul Roos	Self		X
Paul Grosfield	Self		X
Robert Eddins	Ro Drift Boats		X
Brandon Brecker	PRO Outfitters		X
Simon Perkins	PRO Outfitters		X
Mike Marum	The Stonefly Fly Shop		X
JOHN HIRSCH	SELF		X
Kate Grant	Montana Trout Unlimited		X
Brian Beckman	Self		X
Andy Bennett	Dillon Guides/outfitters		X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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HB 309 - Clarify prohibition on recreational access to ditches

Sponsor: Representative Jeffery Welborn

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Sponsor: Representative Jeffery Welborn

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Sponsor: Representative Jeffery Welborn

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

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SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

Tuesday, March 8, 2011

HB 309 - Clarify prohibition on recreational access to ditches

Sponsor: Representative Jeffery Welborn

PLEASE PRINT

Name	Representing	Support	Oppose
Don Ryan	Self		✓
Matt McGinnis	Self		✓
Sean Reynolds	Self		✓
STEVE SWANSON	THE COMMONS		✓
Nichole Lister	Self		✓
Don Lister			✓
ROBERT FICKETT	Self		✓
Bernard Kailey	Self		✓
Austin Trayser	Self		✓
Taylor W Anderson	Self and American		✓✓
Cory Patterson	Self		✓
RICHARD SCHINELLA	Self		✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.